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Appl. No. 09/834,856*Remarks*

Reconsideration of this Application is respectfully requested. By this Amendment, claims 43, 49 and 50 are currently amended and claims 44-45 are canceled. No new matter has been added. Claims 23-27, 30-37, 39-41, 43, and 46-50 are currently pending.

*Rejection Under 35 U.S.C. §101*

The Office Action rejected claims 44 and 45 under 35 U.S.C. § 101 for allegedly not meeting the 35 U.S.C. §101 requirements. The Applicant has canceled claims 44-45 thus rendering the rejection moot. Favorable reconsideration and withdrawal of the rejection is respectfully solicited.

*Rejections Under 35 U.S.C. §103*

The Office Action rejected claims 24, 25, 28, 31-33, 37, 39-40, 43-45, and 47-50 under 35 U.S.C. §103(a) for being allegedly unpatenable over by Yamaguchi et al. U.S. Patent 6,400,392 ("Yamaguchi") in view of DeLuca et al. U.S. Patent No.: 6,559,813. The Applicant respectfully traverses the rejection.

Claims 44-45 have been canceled thus rendering the rejection moot. Favorable reconsideration and withdrawal of the rejection with respect to claims 44-45 is respectfully solicited.

Claims 24, 25, 28, 31-33, 37, 39-40, 43, and 47-50 recite, *inter alia*, a method that includes degrading an image in response to a user being inactive and a portion of the image being visually obstructed.

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The combination of Yamaguchi and DeLuca fail to disclose, teach or suggest each and every element of the claimed invention as recited by 24, 25, 28, 31-33, 37, 39-40, 43, and 47-50. More particularly, the Office Action readily admits that Yamaguchi fails to disclose, teach or suggest determining whether a portion of the image is visually obstructed (see OA pg. 4). Further Yamaguchi fails to disclose, teach or suggest degrading an image in response to a user being inactive. Instead, Yamaguchi describes a method of increasing the brightness or resolution of a window being viewed by a user while reducing the brightness or resolution of other windows (Yamaguchi, col. 15, lines 10-14). Further Yamaguchi describes the window that the user is observing is selected by the user (Yamaguchi, col. 15, lines 7-9, "the video channel may be the video channel most recently selected or selected by the most users, among a plurality of channels).

In contrast, the claims 24, 25, 28, 31-33, 37, 39-40, 43, and 47-50 recite degrading an image based on a user being inactive. Clearly, being inactive is NOT selecting a video channel based on most recently selected or selected by the most users as described by Yamaguchi. Accordingly, Yamaguchi fails to teach each and every element of the claimed invention as recited by claims 24, 25, 28, 31-33, 37, 39-40, 43, and 47-50.

DeLuca also fails to rectify the deficiency of Yamaguchi. The Office Action relies on DeLuca to teach an enhanced viewing of an image can be obtained by detecting whether a portion of the image is visually obstructed (see Office Action, pg. 4). The Applicants respectfully disagree.

DeLuca describes an active real image obstructor (see DeLuca, col. 8 lines 18-42). A closer inspection of the cited passage describes the real image obstructor as a device that modifies the transparency of portions of the viewing system (see DeLuca, col. 8, lines 19-21).

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The obstructor includes a plurality of individually addressable and electronically controlled light valves and a gray scale liquid crystal display having pixels capable of electronically switching between substantially transparent, partially transparent and substantially opaque states. (see DeLuca, col. 8, lines 22-27). Accordingly, DeLuca describes a device that modifies the transparency of images.

In clear contrast, claims 24, 25, 28, 31-33, 37, 39-40, 43, and 47-50 recite degrading an image in response to the portion of the image being visually obstructed. A device that modifies the transparency of image is NOT degrading an image in response to the portion of the image being visually obstructed. Moreover, DeLuca fails to disclose, teach, or suggest degrading an image in response to a user being inactive. Thus, DeLuca also fails to disclose, teach, or suggest each and every claim element of the claimed invention as recited by 24, 25, 28, 31-33, 37, 39-40, 43, and 47-50.

Since Yamaguchi and DeLuca each fail to suggest the invention as recited by claims 24, 25, 28, 31-33, 37, 39-40, 43, and 47-50, the combination of Yamaguchi and DeLuca also fails to teach each and every claim element of the claimed invention. Accordingly, the invention as recited by claims 24, 25, 28, 31-33, 37, 39-40, 43, and 47-50 is patentable over the applied prior art.

The Office Action rejected claims 26-27, 30, 34-36, and 46 under 35 U.S.C. §103(a) for being allegedly unpatentable over by Yamaguchi in view of DeLuca and in further view of Atick et al. U.S. Patent No.: 6,111,5173 ("Atick"). The Applicant respectfully traverses the rejection.

Claims 26-27, 30, 34-36, and 46 recite, *inter alia*, a method that includes degrading an image in response to a user being inactive and a portion of the image being visually obstructed.

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For at least the reasons given above, Yamaguchi and DeLuca fail to disclose, teach, or suggest each and every claim element of the claimed invention of claims 26-27, 30, 34-36, and 46. Atick also fails to teach or suggest a method that includes degrading an image in response to a user being inactive and a portion of the image being visually obstructed. Instead, Atick describes a monitoring system for regulating access to a computer system. More particularly, Atick describes a real-time facial recognition device to initially detect the presence of an authorized personnel (see Atick, abstract). Clearly, a facial recognition system is NOT a method that includes degrading an image in response to a user being inactive and a portion of the image being visually obstructed. Accordingly, Atick fails to teach or suggest each and every claim element of the claimed invention.

Since Yamaguchi, DeLuca, and Atick each fail to suggest the invention as recited by claims 26-27, 30, 34-36, and 46, the combination of Yamaguchi, DeLuca and Atick also fails to teach each and every claim element of the claimed invention. Accordingly, the invention as recited by claims 26-27, 30, 34-36, and 46 is patentable over the applied prior art.

The Office Action rejected claims 23 and 41 under 35 U.S.C. §103(a) for being allegedly unpatentable over by Yamaguchi in view of DeLuca and in further view of Atick and in further view of Sankaranarayan et al. U.S. Patent No.: 6,799,208. The Applicant respectfully traverses the rejection.

Claims 23 and 41 recite, *inter alia*, a method that includes degrading an image in response to a user being inactive and a portion of the image being visually obstructed.

For at least the reasons given above, Yamaguchi, DeLuca, and Atick fail to disclose, teach, or suggest each and every claim element of the claimed invention of claims 23 and 41. Sankaranarayan also fails to rectify the deficiencies of Yamaguchi, DeLuca, Atick. Rather,

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Sankaranarayan describes a resource management architecture for managing resources of the computers. A resource management architecture is clearly NOT degrading an image in response to a user being inactive and a portion of the image being visually obstructed. Accordingly, Sankaranarayan fails to teach or suggest each and every claim element of the claimed invention.

Since Yamaguchi, DeLuca, Atick and Sankaranarayan each fails to suggest the invention as recited by claims 23 and 41, the combination of Yamaguchi, DeLuca, Atick and Sankaranarayan also fails to teach each and every claim element of the claimed invention. Accordingly, the invention as recited by claims 23 and 41 is patentable over the applied prior art.

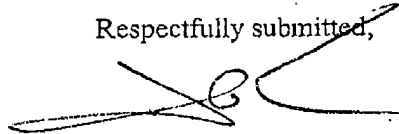
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Appl. No. 09/834,856*Conclusion*

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



Donald F. King, Chapter 7 Trustee  
For IPIX Corporation

U.S. Bankruptcy Court Case No. 06-10856-RGM

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